

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

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Tuesday, October 22, 2019

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Clay, Thapar, Nalbandian**

19-1040 Darlene Brown v. Kelsey-Hayes Company, et al.

[2:17-cv-12124](#)

Eastern District of Michigan at Detroit

A. Tarnow

In this employment discrimination action, plaintiff appeals the summary judgment for defendants on her claims under the Americans with Disabilities Act, the Age Discrimination Employment Act, and state law. (15 Minutes Per Side)

18-6285 USA v. Lucas Nichols

[3:17-cr-00122-1](#)

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his judgment in a criminal case, following a guilty plea, for receipt of child pornography and possession of child pornography. (15 Minutes Per Side)

19-5693 USA v. Angela Suddarth

[3:15-cr-00074-1](#)

Middle District of Tennessee at Nashville

A. Trauger

Defendant appeals her judgment in a criminal case, following a jury verdict, for perjury. (15 Minutes Per Side)

18-1869 Allanah Benton v. Shawn Brewer

[2:16-cv-13648](#)

Eastern District of Michigan at Detroit

D. Hood

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

18-6270 Arvion Taylor v. Pilot Corporation, et al.

[2:14-cv-02294](#)

Western District of Tennessee at Memphis

S. Lipman

19-5410 Arvion Taylor v. Pilot Corporation, et al.

[2:14-cv-02294](#)

Western District of Tennessee at Memphis

S. Lipman

Defendants appeal the denial of their motion to reconsider the district court's order compelling it to disclose dates of employment for opt-in plaintiffs in this collective action under the Fair Labor Standards Act for unpaid overtime compensation which, among other things, denied enforcement of the delegation clauses within certain plaintiffs' arbitration agreements. (15 Minutes Per Side)

19-3027 Florinda Gomez-Chavez, et al. v. William P. Barr

a 206 710 365

Board of Immigration Appeals

Petitioner and her minor child seek review of the BIA's order denying her motion to terminate her removal proceedings and dismissing her appeal from an immigration judge's decision denying her application for asylum and withholding of removal. (To Be Submitted On Briefs)

Tuesday, October 22, 2019

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Bush, Murphy**

19-1176 Jacqueline Harrison v. Soave Enterprises, LLC, et al.[4:16-cv-14084](#)

Eastern District of Michigan at Flint

L. Parker

Plaintiff appeals the summary judgment for defendants in this action under the Americans with Disabilities Act and state law alleging employment discrimination based on a disability and her weight. (12 Minutes for Plaintiff; 3 Minutes for Amicus; 15 Minutes for Defendants)

18-1671 USA v. Tracey Smith-Kilpatrick[2:17-cr-00005-2](#)

Western District of Michigan at Marquette

G. Quist

18-1708 USA v. Jacklyn Wilson[2:17-cr-00005-3](#)

Western District of Michigan at Marquette

G. Quist

In this criminal action tried to a jury, defendant Smith-Kilpatrick appeals the conviction of conspiracy to distribute and possess with intent to distribute heroin, and defendant Wilson appeals her conviction of conspiracy to distribute and possess with intent to distribute heroin and cocaine base, possession with intent to distribute heroin, and possession with intent to distribute cocaine base. (18-1671: 15 Minutes Per Side; 18-1708: To Be Submitted On Briefs)

18-4132 Cynthia Madej, et al. v. Jeff Maiden[2:16-cv-00658](#)

Southern District of Ohio at Columbus

E. Sargus

Plaintiffs appeal the summary judgment for the defendant in this action alleging that plaintiffs will be harmed by a road resurfacing project, as one suffers from an environmental illness. (15 Minutes Per Side)

18-2318 USA v. Editha Manzano[2:16-cr-20593-1](#)

Eastern District of Michigan at Detroit

G. Drain

In this criminal action tried to a jury, defendant appeals her conviction of conspiracy to commit health care fraud and wire fraud, conspiracy to pay and receive health care kickbacks, and healthcare fraud. (To Be Submitted On Briefs)

19-5034 Minnie Spangler v. East Kentucky Power Coop[5:18-cv-00556](#)

Eastern District of Kentucky at Lexington

D. Reeves

Plaintiff appeals the dismissal for failure to state a claim of her action, brought under the Employee Retirement Income Security Act, alleging wrongful termination and interference with her rights. (To Be Submitted On Briefs)

Tuesday, October 22, 2019

607 - 6th Floor West Courtroom, 1:00 P.M.

Before: **Sutton, Kethledge, Stranch**

18-3581 Michael Bailey v. Lyneal Wainwright

3:18-cv-00881

Northern District of Ohio at Toledo

D. Polster

Petitioner appeals the judgment dismissing his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254 and the denial of his motion for reconsideration. (15 Minutes Per Side)

18-3959 ATSCO Holdings Corporation, et al. v. Air Tool Service Company, et al.

1:15-cv-01586

Northern District of Ohio at Cleveland

C. Boyko

Plaintiffs appeals the district court's judgment for the defendants in this diversity breach-of-contract case. (15 Minutes Per Side)

18-6055 USA v. Ciro Martinez

5:17-cr-00055-1

Eastern District of Kentucky at Lexington

D. Reeves

18-6218 USA v. Smirna Ortiz

5:17-cr-00055-6

Eastern District of Kentucky at Lexington

D. Reeves

18-6242 USA v. Rene Campos

5:17-cr-00055-3

Eastern District of Kentucky at Lexington

D. Reeves

Defendants appeal their judgments in a criminal case for conspiracy to distribute methamphetamine, conspiracy to commit money laundering, and/or money laundering-controlled substance-sell-distribute-dispense. (10 Minutes for each Defendant; 30 Minutes for Plaintiff)

18-6279 Charles Middleton, III v. PNC Bank, NA

3:17-cv-00751

Western District of Kentucky at Louisville

C. Boom

Plaintiff appeals the dismissal, for failure to state a claim, of his diversity action arising from the release of escrow funds under a probate order. (To Be Submitted On Briefs)

18-6333 USA v. Kendall Carter

3:15-cr-00162-1

Middle District of Tennessee at Nashville

W. Crenshaw

Defendant appeals the judgment in his criminal case and the denial of his motion to suppress, following a conditional guilty plea, for production of child pornography, extortion, and possession of child pornography. (To Be Submitted On Briefs)

18-4248 Oumar Thiam v. William P. Barr

a 095 589 232

Board of Immigration Appeals

Petitioner seeks review of the BIA's order denying his motion to reopen his removal proceedings so that he can apply for withholding of removal and deferral of removal due to changed conditions in Mauritania. (To Be Submitted On Briefs)

Wednesday, October 23, 2019

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Clay, Thapar, Nalbandian**

18-6210 USA v. Steve Pritchard

[1:16-cr-00028-1](#) Western District of Kentucky at Bowling Green G. Stivers

Defendant appeals his judgment in a criminal case, following a jury verdict, for malicious destruction of property by fire and mail fraud. (15 Minutes Per Side)

18-3874 Dennis Gallivan v. USA

[4:18-cv-00545](#) Northern District of Ohio at Youngstown B. Pearson

Plaintiff appeals the dismissal of his prisoner civil rights action. (15 Minutes Per Side)

18-2316 Cheryl Wallace v. Oakwood Hospital LTD Plan, et al.

[4:16-cv-10625](#) Eastern District of Michigan at Flint L. Parker

In this ERISA action challenging the denial of long-term disability benefits, defendant appeals the judgment for plaintiff. (15 Minutes Per Side)

16-3613 Christopher Hunter v. USA

[3:12-cv-00302](#) Southern District of Ohio at Dayton M. Merz
T. Rose

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2255. (15 Minutes Per Side)

19-5070 D. T., et al. v. Sumner County Schools, et al.

[3:18-cv-00388](#) Middle District of Tennessee at Nashville W. Campbell

Plaintiffs appeal the district court's interlocutory order denying their motion for a temporary restraining order or preliminary injunction, seeking to enjoin defendants from filing additional truancy petitions against plaintiffs. (15 Minutes Per Side)

18-2396 USA v. Guillermo Rodriguez

[1:17-cr-00181-1](#) Western District of Michigan at Grand Rapids J. Neff

Defendant appeals the judgment entered following his plea of guilty of conspiracy to commit wire fraud. (To Be Submitted On Briefs)

Wednesday, October 23, 2019

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Sutton, Kethledge, Stranch**

18-2399 Maureen Van Hoven v. Buckles & Buckles, P.L.C., et al.

[1:14-cv-00060](#)

Western District of Michigan at Grand Rapids

R. Jonker

In this class action under the Fair Debt Collection Practices Act, defendants appeal the judgment as a matter of law in favor of plaintiff and the class. (15 Minutes Per Side)

19-1078 Maureen Van Hoven v. Buckles & Buckles, P.L.C., et al.

[1:14-cv-00060](#)

Western District of Michigan at Grand Rapids

R. Jonker

In this class action under the Fair Debt Collection Practices Act, defendants appeal the award of attorney fees and costs to plaintiffs. (15 Minutes Per Side)

18-4200 Lauren Kesterson v. Kent State University, et al.

[5:16-cv-00298](#)

Northern District of Ohio at Akron

S. Lioi

Plaintiff appeals the district court's summary judgment for the defendants in this civil rights case brought in connection with plaintiff's allegation that she was sexually assaulted in her dorm room by another student. (15 Minutes for Plaintiff; 15 Minutes to be shared by Defendants)

19-1036 Peter Hudson v. City of Highland Park, MI, et al.

[2:16-cv-12369](#)

Eastern District of Michigan at Detroit

S. Murphy

Plaintiff appeals the summary judgment for defendants in this action challenging his termination under Title VII, section 1983, and state law. (15 Minutes for Plaintiff; 15 Minutes to be shared by Defendants)

19-1406 USA v. William Gamble

[2:11-cr-20258-1](#)

Eastern District of Michigan at Detroit

P. Borman

Defendant appeals the revocation of his term of supervised release. (To Be Submitted On Briefs)

Wednesday, October 23, 2019

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Bush, Murphy**

19-3019 Jane Doe, et al. v. Jackson Local School District, et al.

5:17-cv-01931

Northern District of Ohio at Akron

S. Lioi

Plaintiffs appeal the district court's summary judgment for the defendants in this civil rights case arising from the sexual assault on plaintiffs' minor child by another student at her school. (15 Minutes Per Side)

19-5150 Isaac Everly v. Patrice Everly, et al.

3:17-cv-01440

Middle District of Tennessee at Nashville

A. Trauger

Defendants appeal the summary judgment for plaintiff, and the denial of their motion to alter, amend, or vacate, in this copyright infringement action. (15 Minutes Per Side)

18-5471 Thomas Allen v. Mike Parris

2:15-cv-00023

Eastern District of Tennessee at Greeneville

J. Greer

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

19-3072 Idrissa Compaore v. William P. Barr

a 208 337 775

Board of Immigration Appeals

Petitioner seeks review of a BIA order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Thursday, October 24, 2019

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Kethledge, Bush, Nalbandian****19-1070 Omar Batson v. Hoover, et al.**[2:17-cv-12214](#)

Eastern District of Michigan at Detroit

D. Lawson

In this civil rights action, defendant appeals the denial of qualified immunity on claims of use of excessive force. (15 Minutes Per Side)

17-6178 Robert Sheppard v. USA[6:14-cr-00020-6](#)

Eastern District of Kentucky at London

D. Reeves

Petitioner appeals the district court's judgment denying his 28 U.S.C. Section 2255 motion to vacate, set aside, or correct sentence. (15 Minutes Per Side)

18-2304 Robert Davis, et al. v. Detroit Pub Schools Community, et al.[2:17-cv-12100](#)

Eastern District of Michigan at Detroit

M. Goldsmith

Plaintiffs appeal the summary judgment for defendants on their claims of violations of equal protection rights at a meeting of the Board of Education. (15 Minutes for Plaintiff; 15 Minutes to be shared by Defendants and Intervenors)

18-5389 Walter Cardin v. USA[1:16-cv-00201](#)

Eastern District of Tennessee of Chattanooga

T. McDonough

Petitioner appeals the order denying his motion to vacate, set aside, or correct his sentence filed pursuant to 28 U.S.C. Section 2255. (15 Minutes Per Side)

18-1691 Donald Machan v. Shawn Olney, et al.[1:17-cv-00450](#)

Western District of Michigan at Grand Rapids

P. Green

R. Jonker

In this civil rights action, the defendant appeals the denial of qualified immunity on claims of unreasonable seizure and violation of due process arising from the taking of a minor to the hospital and pursuing medical treatment. (15 Minutes Per Side)

18-6111 Ginny Humphrey v. Rickie Friar, et al.[2:17-cv-02741](#)

Western District of Tennessee at Memphis

S. Lipman

18-6112 Angel Gipson v. Rickie Friar, et al.[2:17-cv-02756](#)

Western District of Tennessee at Memphis

S. Lipman

18-6113 Debbie Allard v. Rickie Friar, et al.[2:17-cv-02757](#)

Western District of Tennessee at Memphis

S. Lipman

18-6115 Barry Martindell v. Rickie Friar, et al.[2:17-cv-02802](#)

Western District of Tennessee at Memphis

S. Lipman

Following the district court's certification under Federal Rule of Civil Procedure 54(b), plaintiffs appeal the district court's interlocutory order dismissing municipal and supervisory liability claims against certain defendants in this civil rights action under 42 U.S.C. Section 1983. (15 Minutes Per Side)

Thursday, October 24, 2019

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Kethledge, Bush, Nalbandian**

19-3054 Anthony Herndon v. Carlos Torres, et al.**3:15-cv-00561**

Northern District of Ohio at Toledo

J. Carr

Plaintiff appeals the district court's summary judgment for Avroa Express, Inc. in this personal injury case brought by plaintiff against a truck driver who assaulted him and the company for whom the driver worked. (To Be Submitted On Briefs)

18-3838 Star Fire Coals, Inc., et al. v. OWCP, et al.

17-0149 bla

Benefits Review Board

The employer in this black lung benefits case petitions for review of the Benefits Review Board's order on reconsideration and award of fees. (To Be Submitted On Briefs)

18-4213 USA v. Atrel Howard, Jr.**1:17-cr-00519-1**

Northern District of Ohio at Cleveland

S. Oliver

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to his guilty plea to a charge of making threatening interstate communications. (To Be Submitted On Briefs)

18-5677 USA v. Tavo Simmons**2:17-cr-00030-1**

Eastern District of Kentucky at Covington

C. Smith

D. Bunning

Defendant appeals his judgment in a criminal case, following a guilty plea, for conspiracy to distribute and possess with intent to distribute cocaine. (To Be Submitted On Briefs)

19-3075 Ishan Al Koorwi v. William P. Barr

a 212 330 620

Board of Immigration Appeals

Petitioner seeks review of the BIA's order denying his motion to remand and dismissing his appeal from an immigration judge's decision denying his application for deferral of removal to Iraq pursuant to the Convention Against Torture. (To Be Submitted On Briefs)

18-2322 USA v. Jarvis Bennett**1:18-cr-00021-1**

Western District of Michigan at Grand Rapids

R. Jonker

Defendant appeals the judgment entered following his plea of guilty of distribution of methamphetamine. (To Be Submitted On Briefs)

Thursday, October 24, 2019

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Sutton, Cook, Thapar**

18-3446 USA v. Shawn Parrish

2:16-cr-00243-1 Southern District of Ohio at Columbus

A. Marbley

Defendant appeals his conviction and sentence for receiving visual depictions of child pornography after sustaining a conviction for a sexual abuse offense involving a minor. (15 Minutes Per Side)

19-1122 Richard Gaetano, et al. v. USA, et al.

2:17-cv-11839 Eastern District of Michigan at Detroit

B. Friedman

In this civil rights action alleging violation of Fifth and Sixth Amendment rights arising from communications with their former attorney, plaintiffs appeal the dismissal of their complaint and the denial of reconsideration. (15 Minutes Per Side)

18-2089 JPMorgan Chase Bank, N.A. v. Larry Winget, et al.

2:08-cv-13845 Eastern District of Michigan at Detroit

A. Cohn

Defendants appeal the post-judgment orders authorizing charging orders against their interests in limited liability companies under Michigan Compiled Laws Section 450.4507. (15 Minutes Per Side)

18-1297 Richard Woolsey v. USA

2:16-cv-13899 Eastern District of Michigan at Detroit

A. Cohn

Petitioner appeals the denial of his motion to vacate, set aside, or correct his sentence filed under 28 U.S.C. Section 2255. (15 Minutes Per Side)

19-5092 Adrienne Popeck v. Rawlings Company, LLC, et al.

3:16-cv-00138 Western District of Kentucky at Louisville

G. Stivers

Plaintiff appeals the judgment for defendants in this action for violations of the Americans with Disabilities Act, the Family Medical Leave Act, and the Fair Labor Standards Act. (To Be Submitted On Briefs)

18-4208 Marcos Rios-Rios v. William P. Barr

a 205 858 072 Board of Immigration Appeals

Petitioner seeks review of a BIA order sustaining the Department of Homeland Security's appeal and vacating an immigration judge's decision granting petitioner's application for cancellation of removal. (To Be Submitted On Briefs)

Thursday, October 24, 2019

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Clay, Stranch, Murphy**

18-1855 Gary B., et al. v. Gretchen Whitmer, et al.

[2:16-cv-13292](#)

Eastern District of Michigan at Detroit

S. Murphy

18-1871 Gary B., et al. v. Richard Snyder, et al.

[2:16-cv-13292](#)

Eastern District of Michigan at Detroit

S. Murphy

Plaintiffs appeal the dismissal of their action challenging the adequacy of the education at the public schools of Detroit. (15 Minutes Per Side)

18-4058 Davina Hurt, et al. v. Commerce Energy, Inc., et al.

[1:12-cv-00758](#)

Northern District of Ohio at Cleveland

J. Gwin

Defendants appeal the district court's order granting in part and denying in part plaintiffs' motion for attorney fees and costs following a jury verdict finding defendants liable for violations of the Fair Labor Standards Act and state law. (15 Minutes Per Side)

18-6066 USA v. Garrett Lott

[6:17-cr-00052-1](#)

Eastern District of Kentucky at London

R. Wier

Defendant appeals the denial of his motion to suppress evidence and his judgment in a criminal case, following a guilty plea, for possession with intent to distribute heroin. (15 Minutes Per Side)

18-2253 Crossing at Eagle Pond Apts v. Lubrizol Corporation, et al.

[2:16-cv-13432](#)

Eastern District of Michigan at Detroit

D. Hood

Plaintiff appeals the summary judgment for defendant in this diversity products liability action. (15 Minutes Per Side)

18-4203 USA v. Eduardo Perez-Rodriguez

[1:18-cr-00396-1](#)

Northern District of Ohio at Cleveland

J. Adams

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to his guilty plea to one count of illegal entry. (15 Minutes Per Side)

18-4033 Azal Saleh v. William P. Barr

a 212 194 888

Board of Immigration Appeals

Petitioner seeks review of the BIA's dismissal of her appeal from an immigration judge's decision denying her application for deferral of removal under the Convention Against Torture. (15 Minutes Per Side)

Friday, October 25, 2019

636 - 6th Floor East Courtroom, 8:30 A.M.

Before: **Clay, Stranch, Murphy**

19-5143 David Jones v. Clark County, Kentucky, et al.

5:15-cv-00337

Eastern District of Kentucky at Lexington

R. Wier

Plaintiff appeals the dismissal of his civil rights action for malicious prosecution. (15 Minutes Per Side)

18-2391 USA v. Manndrell Lee

1:18-cr-00115-1

Western District of Michigan at Grand Rapids

R. Jonker

Defendant appeals the judgment entered following his plea of guilty of possession of a stolen firearm. (15 Minutes Per Side)

19-5406 James Bunn v. Navistar, Inc.

3:18-cv-00651

Middle District of Tennessee at Nashville

E. Richardson

Plaintiff appeals the judgment, and the denial of its motion to alter or amend the judgment, in this diversity action under the Tennessee Consumer Protection Act arising from defendant's delays in repairing plaintiff's trucks. (15 Minutes Per Side)

17-2003 Jeffrey Malone v. USA

2:16-cv-12123

Eastern District of Michigan at Detroit

S. Cox

Petitioner appeals the denial of his motion to vacate sentence pursuant to 28 U.S.C. Section 2255. (To Be Submitted On Briefs)

18-5472 USA v. April West

2:16-cr-00117-1

Eastern District of Tennessee at Greeneville

J. Greer

Defendant appeals her judgment in a criminal case, following a guilty plea, for possession with intent to distribute a quantity of cocaine base. (To Be Submitted On Briefs)